

**DISTRICT V ADVISORY BOARD
MINUTES**
www.wichita.gov

**February 2, 2004
7:00 p.m.**

**Auburn Hills Golf Course Clubhouse
443 S. 135th West**

Seven (7) District Advisory Board Members including one youth member attended the District V Advisory Board meeting. Eight (8) City Staff and approximately 15 members of the public were present (with 6 signing the guest list).

Members Present

David Almes
Bob Bulman
David Dennis
Andy Johnson
Steve Winslow
Maurice Ediger
DeAnn Sullivan
Jordan Hudson
Council Member Bob Martz

Staff Present

Norman Williams, Police
Brent Allred, Police
Lee Eisenbise, Police
Donna Goltry, Planning
Jack Brown, Environmental Health
Don Henry, Environmental Health
Maurice Terrebonne, Environmental Health
Dana Brown, City Manager's Office

Members Absent

John Marker
Fran Hoggatt
Matt Schippers
Jonathan Brooks

Guests

Listed on page 6

ORDER OF BUSINESS

Call to Order

Council Member Bob Martz called the meeting to order at 7:05 p.m. and welcomed the public. He explained that the role of the District Advisory Board is to advise him as the City Council Member of District V. The Council Member said that the Board reviewed both citywide and Council District V issues and took comments from the public on all agenda items. He asked that the public present their comments in an appropriate manner & respond to any other comments or actions with courtesy.

Approval of Minutes and Agenda

Almes stated that a correction on page 4 was needed to indicate that Dennis asked about green space, instead of Almes, as stated. The minutes for January 5, 2004 were approved as corrected by a vote of 6-0 (**Johnson/Almes**).

The Agenda was amended to include a report on the work of the Fireworks Task Force by Members Dennis and Ediger. The item was designated as 4(a).

Public Agenda

This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting.

No items were presented by the public.

Action: No action required.

Staff Presentations

Community Police Report

Officer Lee Eisenbise, Community Police Officer for Beat 18, presented policing information for District V. He asked that people slow down, as speeding is a high concern. He also said that with the cold weather, more unlocked cars are left running to warm up and, as a consequence, are being stolen. Although the City Council has reversed an ordinance that prohibited leaving idling cars unattended, Eisenbise said the risk is still high that the car may be stolen.

Eisenbise said that several calls had been received from homeowner associations about Police enforcing association covenants. He explained that Police had authority to enforce city ordinances but not covenants. He added that covenants are usually more restrictive than city codes governing neighborhood issues.

(Bulman arrived.)

A continued issue was people leaving valuables in their car, locked or unlocked. Such things as purses, cell phones, CDs, etc. make even locked cars a target for larceny. Eisenbise also cautioned about leaving garage doors open to the street, allowing easy access to property stored in the garage.

Officer Eisenbise said a NOTE (Neighborhood Oriented Traffic Enforcement) is still open at Maple & Ridge as one of the busiest and high-accident intersections. He cautioned people about forcing a yellow or red light, & making illegal turns into the adjacent traffic lane.

Action: Receive and file

Police Professional Standards Bureau

Lt. Brent Allred, Police Department, gave a brief history of the bureau with the previous name of Internal Affairs. He said that Captain Zumalt had held a number of focus groups including representatives of the District Advisory Boards to survey how the bureau might be improved. One finding was that less than 10% citizens were aware of the Internal Affairs Bureau or their role in investigating concerns. With this and other information collected, the name was changed to Professional Standards Bureau with encouragement to the public to offer both positive and negative comments regarding Police personnel.

Lt. Allred explained the process followed when a complaint of misconduct is received through a visit or phone call by the complainant. The complaint is researched and an interview is conducted with the person complaining with the interview session tape-recorded. The officer is then notified and an investigative interview takes place. With consideration of all information, a decision is made and reported to the Chief of Police. A letter is then sent to the citizen communicating the determination made. Included with the letter is a pamphlet that explains the option of using the City Manager's Review Board as an appeal process.

In addition to this process, several other improvements have been made including the establishment of a standard operating procedure for investigating racial profiling; a tracking method for time involved in investigations, a process for notifying citizens about outcomes of investigation, a monthly analysis of complaints received and improvements to customer service for persons calling the police offices.

Lt. Allred reported that in 2003, 85% of the 201 internal investigations were sustained while 25% of the 110 external investigations were sustained.

Johnson asked how that outcome compared to departments in similar size communities. **Chief Williams** responded by reporting that Oklahoma City had indicated amazement at the time devoted to investigating

the complaints compared to their department. Another question was whether the changes, other than the name, had really been significant to which Chief Williams said that more attention is given to the complaints and they are handled with a more serious, professional approach. He said that the officers had expressed their feeling that the process is handled more fairly than in the past. **Bulman** asked what the opinion of improvement is based on to which **Chief Williams** said an anonymous survey had been conducted with both the public and the officers.

Dennis made several comments and asked several questions. He first complimented Chief Williams and Lt. Allred on Police creating a professional image for the city. **Dennis** then expressed concern about the officers who are in positions off the street being re-positioned back on the street and how they handle that transition. **Lt. Allred** said that most feel the rotation is fair impartial and **Chief Williams** said they learn from the experience of every position and take that information to each new position. He said that police were considering a rotation every three years. **Dennis** then said he was disappointed in the report of Police self-investigation that was received on an incident at North High School. He said he saw the incident and knew several factors to be different than what was reported in the investigation report. **Lt. Allred** said that officers involved in internal investigations were usually harder on the officers and the department than the public.

Action: Receive and file.

Fireworks Task Force Update

Board Members Dennis and Ediger serving on the Task Force reported on the work to date. **Dennis** provided a brief history of progress made during the first cycle of meetings, the Council response, and the work so far during the second cycle of meetings. He said that he and Ediger needed advice from the DAB on what they'd like to see happen.

The Task Force Members reported that the only legal fireworks are those that fire out 6 foot or up 6 foot. Any firing beyond that are considered illegal. They said the greatest number of injuries were due to legal fireworks including firecrackers, roman candles, and sparklers. They reported statistics for 2003:

- \$2,500 loss in property damage
- 66 people required medical care
- 1,783 calls to 9-1-1
- Calls of complaint about noise by time
 - 10:00 – 11:00 p.m. 219 calls
 - 11:00 – 12:00 midnight 190 calls
 - 12:00 p.m. – 1:00 a.m. 100 calls
 - 1:00 – 2:00 a.m. 51 calls
 - 2:00 – 3:00 a.m. 31 calls

Almes suggested that efforts be focused on the areas where complaint calls originate.

A **citizen** stated a concern for enforcement and the ease with which illegal fireworks are purchased in nearby communities and brought into Wichita.

Council Member Martz asked Chief Williams if would like to comment. **Chief** said that Police had implemented some of the recommendations made to Council last year by the Task Force. He said that Fire & Police work as a team and that more fireworks were confiscated last year than the year before.

Council Member Martz said that he had suggested “safe zones” last year---areas in which people could take their fireworks to shoot. He said that we'd probably always have illegal fireworks but urged Dennis and Ediger to try for what was safe & sane. **Ediger** said he also thought that education/raising awareness was very important for creating safe & sane.

Almes asked how we compared to other cities on this issue to which **Dennis** answered by saying that they had studied several other communities and each one is a little different. **Council Member Martz** said we might want to involve County representatives on the Task Force to address buying fireworks that are illegal in Wichita.

Action: Receive and file.

Proposed Revisions to Animal Maintenance Code

Jack Brown, Environmental Health, presented information on proposed code changes for allowing maintenance of domestic animals within the City. The standards specify numbers and types of animals allowed, proper sanitation of facilities, confinement of animals, and required permits. Brown explained that the current regulations did not prevent nuisance conditions nor address situations involved in annexation. Brown reviewed some of the changes proposed by the amendments to the code including the numbers allowed, noisy fowl such as roosters & chickens, and coinciding with zoning regulations. The Health Officer could waive many of the proposed changes.

DAB Members brought forward several comments and questions such as whether the emu kept on the property directly south of the zoo along Windmill Road were legal, and would a dog run need to be 10 feet from the property line. **Sullivan** made some points about annexation and how the changes from County to City codes didn't seem fair to the people being annexed who typically bought property in the county to be able to keep animals; the proposal to place fences & other holding pens 10 feet from the property line seemed unreasonable; and, wouldn't many of the people in the county have large enough properties to qualify for agricultural permits. **Brown** responded that the current code actually does not allow for the animals that annexed residents might have but the proposed code will allow for a greater number of animals. **Sullivan** said that the amendment for the Health Officer to allow a variance seemed too general; **Brown** said no variance is currently allowed. **Sullivan** said the variance regulations needed to be established and stated in the amendments. **Bulman** asked if crows and pigeons were included in the code but Brown said the Kansas Department of Wildlife & Parks address the wild birds & animals.

Council Member Martz suggested that everyone send their issues & concerns to the Neighborhood Assistant for consideration at the next meeting.

Action: Action was deferred until the March meeting.

Miles Hidden Lakes Proposed Sewer Project

Jack Brown, Environmental Health, presented information about problems with septic systems and water wells experienced by residents on six lots in the addition located west of Maize Road and south of Maple. At least one resident is experiencing problems with their on-site septic system and has asked for public sewer extension. An evaluation of the area indicated that the soil and ground water conditions in the area, with a history of flooding, shallow ground water, and poorly drained soils, are not optimal for the use of on-site septic systems. Staff is recommending that a sanitary sewer project be developed to serve these six lots with public sewer. Preliminary estimates of the cost of the project indicate the total to be \$83,000 with approximately \$13,833 per lot. Staff is asking for recommendation to initiate the process to further consider ordering in sewer.

Sullivan asked how the city could force homeowners to use City sewer to which **Council Member Martz** explained that two options existed for installing sanitary sewer: residents may petition the city to construct a sanitary sewer line, or the city could "order in" the project based on failing systems that present immediate health and environmental concerns. The **resident** who supports the sewer project spoke saying the family had the septic system for 33 years but it is caving and a new system cannot be permitted due to the environmental conditions. He said he didn't want to wait as the cost keeps increasing with the estimate given last June at \$12,000. He said a new septic system would cost approximately \$7,000. **Sullivan** asked why he didn't want to replace the septic system since it would last

a number of years. The resident said he was concerned about the environmental and health issues. **Brown** confirmed that the records indicate that the system has shown environmental and health problems over the years. **Bulman** asked if a new system was possible to which **Brown** said yes, it's possible but not recommended. **Sullivan** asked if the property was large enough for a new system to which **Brown** said he did not know.

With no further discussion, **Johnson (Almes)** recommended initiation of the process to consider ordering in sewer. **Sullivan** asked if the residents in attendance could contract the neighbors as a group to gain support for private construction of a sewer line and **Council Member Martz** answered yes, they could. Motion passed 7:0.

Action: Recommended the initiation of the process to consider ordering-in sewer for the subject area.

Council Member Martz recommended to the property owner desiring public sewer that they talk to their neighbors again about signing a petition.

Evergreen Street Proposed Sewer Project

Jack Brown, Environmental Health, presented information about problems with septic systems and water wells experienced by 13 residents east of Tyler between Maple and North 2nd Street. The lots were platted in 1947. He said that the systems pre-date current standards for on-site septic systems which means the systems are undocumented and have unknown construction design. Through evaluations, staff has discovered failing systems and surface wash water discharging in the project area, presenting immediate health concerns. Other conditions including poor drainage, separation distances from private water wells, and space-limiting issues for replacing septic systems on most lots further contribute to concerns.

Staff is recommending that the process be initiated to consider ordering in public sewer. The City has the authority under Kansas State law to authorize the project. A preliminary city engineering estimate indicates the cost of the sewer project to be \$165,000 with approximately \$11,000 per lot.

A **resident** spoke saying that several homeowners had installed new septic systems and will oppose the project. **Ediger** said the resident doesn't have to hook up to the main sewer line at the time it is constructed. **Council Member Martz** said the City always requests that the project design be the least obtrusive and least expensive for the residents.

Winslow (Ediger) moved to recommend staff initiate the process to consider ordering in the sewer for the area. Motion passed 7:0.

Action: Recommended the initiation of the process to consider ordering-in sewer for the subject area.

Planning Agenda

CUP2003-66 Associated with ZON2003-75 DP-50 Carriage House Community Unit Plan #4

Donna Goltry, Planning Department, presented a request to change current zoning of Parcel 3 from "GC," General Commercial to permit "LC," Limited Commercial to expand storage/display areas at the Home Depot store site. The store is located east of Tyler and north of Kellogg.

Goltry presented information from the staff report for the requested zone change showing the Parcel to be amended for outdoor display. The property is adjacent to a residential area on the north and commercial or office on the remaining sides. The request is made to allow display of items such as storage sheds that are too large to be displayed inside the building. Goltry said that two protests had been received—one from a neighbor on the north and one from the Credit Union to the south. MAPC had previously approved the request with a change in the wording of the first condition on page 4 of the staff report from "outdoor display/storage" to "outdoor display" only.

Kim Edgington, Austin-Miller & agent for the property owner, stated that she had worked out the concerns from the Credit Union. She also provided other details and answered questions throughout the discussion.

DAB Members asked questions regarding the nature of the resident's complaint, asked for assurance that the LC would be used only for display and not storage; the distance from the building for the area to be used as display; and, clarification on the areas zoned GC and LC. Their questions were answered satisfactorily.

The District Advisory Board recommended by a vote of 7:0 that the request be approved with staff's recommendations for conditions including removal of the wording, "outdoor storage" as recommended also by MAPC.

Action: The Board recommended approval with conditions recommended by Planning staff but with the removal of the wording "outdoor storage."

Board Agenda

Updates, Issues, and Reports

Johnson reported that he had attended the MAPC meeting recently and he found it disheartening that one Commission member stated that the DAB action was no value to MAPC. The presenter of the item, however, complimented DAB V on using a thorough, objective process. **Council Member Martz** responded that although the MAPC may not consider the action taken by the DAB, he did consider it with as much value as the action taken by MAPC.

Some discussion took place on whether members were doing all right in retrieving their agenda information from the website. All but Dave Almes were using the website without a problem. Some commented that they like the background information to follow the agenda in one continuous link as it is currently posted.

Action: Receive and file.

With no further business, **Council Member Martz** adjourned the meeting, reminding everyone that the next meeting for District Advisory Board V is scheduled for March 1, 2004. The meeting will be at Auburn Hills Clubhouse at 7:00 p.m. The meeting was adjourned at approximately 9:20 p.m.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V

Guests

Jerome Loehr	116 N. Evergreen 67212
Loyd Oakley	245 N. Arcadia 67212
Mary Oakley	245 N. Arcadia 67212
Mary Lynn Blacklock	11025 Hidden Lake Road
Carlos Blacklock	11025 Hidden Lake Road
Kim Edgington	Austin-Miller, 142 N. Emporia